

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1-3; on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26**; **U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5**; and **U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

**APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION FOR ORDER TO SHOW
CAUSE WHY DEFENDANTS SHOULD NOT BE HELD IN CONTEMPT**

Ex.	Description	Bates Number(s)
1	Declaration of Navy SEAL 26	0001-0004
2	Declaration of Navy Diver 2	0005-0008
3	Email from Andrew E. Carmichael to Heather G. Hacker (Jan. 24, 2022)	0009-0011
4	Declaration of Navy SEAL 21	0012-0020
5	Declaration of Navy SEAL 13	0021-0023

6	Declaration of Navy SEAL 14	0024-0026
7	Declaration of Navy SEAL 22	0027-0032

Respectfully submitted this 31st day of January, 2022.

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HIRAM S. SASSER, III
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** Not yet admitted to the D.C. Bar, but
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Appeals Rule 49(c)(8) under the supervision
of an attorney admitted to the D.C. Bar.

/s/ Heather Gebelin Hacker
HEATHER GEBELIN HACKER
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Attorneys for Plaintiffs

Exhibit 1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1-3, on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26**; **U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5**; and **U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

DECLARATION OF NAVY SEAL 26

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. I have served as a Navy SEAL since 2014.
3. I submitted a supplemental declaration in this case on December 24, 2021, which discusses my efforts to travel to the National Intrepid Center of Excellence (NICoE), a treatment program for traumatic brain injuries at Walter Reed National Military Medical Center in Bethesda, Maryland.

4. I requested temporary duty (TDY) orders that would permit me to travel by car to this treatment program, which is scheduled for January 31, 2022. My request was still pending at the time I filed my last declaration.

5. I received word on January 3, 2022 that my request was officially denied by my command because I am unvaccinated against COVID-19. I am informed that command is denying TDY orders to travel for medical care for unvaccinated service members.

6. My Religious Accommodation request is still pending on appeal, so I cannot be classified as a “refuser.”

7. One of the officers in my command was trying to see if I could at least get leave approved so I could attend the program out of my own pocket.

8. On January 20, 2022, my senior chief called to tell me that NICoE gave my slot to someone else.

9. The same day, I called NICoE myself to verify this information. The woman I spoke with confirmed that they had to fill my slot because I was unable to get approval to go and their treatment slots are limited. She said she had recently received a lot of calls from high-ranking Naval officers asking if they refuse treatment to unvaccinated people. NICoE does not require vaccination in order to get treatment.

10. I have now been kept from receiving TBI treatment at this program twice because of the Navy’s implementation of the COVID-19 vaccination mandate and associated policies restricting travel for unvaccinated service members, both before and after this Court’s preliminary injunction was entered.

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I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on January 28, 2022.

/s/ Navy SEAL 26
NAVY SEAL 26

Exhibit 2

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1-3, on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26**; **U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5**; and **U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

DECLARATION OF NAVY DIVER 2

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. I underwent extensive training to become a Navy Diver. I completed dive school in early August 2021, graduating at the top of my class. Because I did so well, I was given my choice of permanent duty assignments and I received my orders to report to my ultimate permanent duty station after I completed additional training at another school for four weeks.
3. After completing that school on September 24, 2021, I was waiting in line to have my orders to PCS (permanent change of station) stamped and I was given a Page 13 counseling

for not being vaccinated. I told my command that I wanted to file a Religious Accommodation request (and in fact did), but my command said that didn't matter, I would not be permitted to PCS, and that I would be stuck where I am until my final fate with the Navy is determined. The orders were taken from me and have not been returned so that I can get them stamped.

4. Since the preliminary injunction was entered, nothing has changed. I still have not been permitted to PCS despite the fact that I have completed my training here. I have now been at this location (where I was only supposed to be for four weeks) for *four months*.

5. As a result, I am not doing any Diver duties. This is a landlocked location and there are no other Divers here. I had been working in supply and my assigned responsibilities were to clean gear, pick lint out of Velcro, and pass out gear.

6. I anticipate that I will lose my special pays soon because I have not been doing my special duties (diving and demolition) for so long.

7. Despite my pending Religious Accommodation request, I am not permitted to leave base for any reason (including for groceries or gas) without routing a chit to the Commanding Officer to get permission.

8. On January 14, 2022, I was informed for the first time that I would need to submit to weekly testing starting that day, even though I had just finished quarantining for 14 days after returning to base after Christmas. Testing had never been mentioned to me before as a requirement to PCS or to be able to do a job on base. Now, I am not allowed in any buildings on base except for my room (even though I do have a roommate), so I'm not even working anymore because I am not permitted in the supply room.

9. Because I had just ended a 14-day isolation yet was suddenly being asked to test, I perceived that as more discriminatory action being taken against me and declined. But I am willing

to undergo weekly testing if I can PCS and I am not stuck here any longer, and I am willing to undergo weekly testing at my permanent duty station in Hawaii. In fact, I plan to test this week. I also wear a mask at all times I am asked to.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on January 28, 2022.

/s/ Navy Diver 2
NAVY DIVER 2

Exhibit 3

Heather Hacker

From: Carmichael, Andrew E. (CIV) <Andrew.E.Carmichael@usdoj.gov>
Sent: Monday, January 24, 2022 10:34 AM
To: Heather Hacker; Andrew Stephens; Powell, Amy (CIV); Enlow, Courtney D. (CIV)
Cc: David Hacker; Mike Berry; Justin Butterfield; Holly Randall; Avallone, Zachary A. (CIV); Robinson, Stuart J. (CIV); Holland, Liam C. (CIV)
Subject: RE: Navy SEALs 1-26 v Biden, 4:21-cv-01235

Heather,

Happy to jump on a call. Does 12pm EST work?

We are proposing that the Navy be allowed the authority to manage the employment conditions of Plaintiffs as necessary; short of involuntary administrative separation and formal discipline (*i.e.* courts-martial/ Article 15) for not receiving the COVID-19 vaccine.

For example, the Navy is seeking to preserve the freedom for its commanders to reassign Plaintiffs from their current billets and units, cancel orders (including PCS and training orders), and remove them from a deployable and medically qualified status due to their unvaccinated status during the pendency of the litigation. Given the language on page 23-24 of the order as well as the fact that NAVADMIN 225/21 and NAVADMIN 256/21 are enjoined as to Plaintiffs we believe such actions are prohibited by the court's current order.

Best regards,

Drew

Drew Carmichael
Senior Trial Counsel | United States Department of Justice
Civil Division | Federal Programs Branch
Tel: (202) 514-3346

From: Heather Hacker <heather@hackerstephens.com>
Sent: Monday, January 24, 2022 9:58 AM
To: Carmichael, Andrew E. (CIV) <Andrew.E.Carmichael@usdoj.gov>; Andrew Stephens <andrew@hackerstephens.com>; Powell, Amy (CIV) <Amy.Powell@usdoj.gov>; Enlow, Courtney D. (CIV) <Courtney.D.Enlow@usdoj.gov>
Cc: David Hacker <dhacker@firstliberty.org>; Mike Berry <mberry@firstliberty.org>; Justin Butterfield <jbutterfield@firstliberty.org>; Holly Randall <hrandall@firstliberty.org>; Avallone, Zachary A. (CIV) <Zachary.A.Avallone@usdoj.gov>; Robinson, Stuart J. (CIV) <Stuart.J.Robinson@usdoj.gov>; Holland, Liam C. (CIV) <Liam.C.Holland@usdoj.gov>
Subject: [EXTERNAL] RE: Navy SEALs 1-26 v Biden, 4:21-cv-01235

Drew,

I think we would benefit from some discussion on this. If we had an idea of what specifically you were proposing, it might be possible for us to enter into a stipulation or joint motion for clarification of the injunction. But we'd need a little more info first.

We're available to discuss today, let us know.

Heather

From: Carmichael, Andrew E. (CIV) <Andrew.E.Carmichael@usdoj.gov>

Sent: Friday, January 21, 2022 4:56 PM

To: Andrew Stephens <andrew@hackerstephens.com>; Powell, Amy (CIV) <Amy.Powell@usdoj.gov>; Enlow, Courtney D. (CIV) <Courtney.D.Enlow@usdoj.gov>; Heather Hacker <heather@hackerstephens.com>

Cc: David Hacker <dhacker@firstliberty.org>; Mike Berry <mberry@firstliberty.org>; Justin Butterfield <jbutterfield@firstliberty.org>; Holly Randall <hrrandall@firstliberty.org>; Avallone, Zachary A. (CIV) <Zachary.A.Avallone@usdoj.gov>; Robinson, Stuart J. (CIV) <Stuart.J.Robinson@usdoj.gov>; Holland, Liam C. (CIV) <Liam.C.Holland@usdoj.gov>

Subject: RE: Navy SEALs 1-26 v Biden, 4:21-cv-01235

Counsel,

We plan to seek a stay pending appeal of the Court's preliminary injunction order to the extent it precludes Defendants from making the assignment and reassignment decisions that the military deems appropriate, taking into account Plaintiffs' vaccination status, including with respect to deployment and training.

Could you please let us know your position on such a stay? We plan to file on Monday so please let us know your position by 10am EST Monday. Thank you and have a nice weekend.

Best regards,

Drew

Drew Carmichael

Senior Trial Counsel | United States Department of Justice

Civil Division | Federal Programs Branch

Tel: (202) 514-3346

From: Andrew Stephens <andrew@hackerstephens.com>

Sent: Thursday, January 20, 2022 10:44 AM

To: Powell, Amy (CIV) <Amy.Powell@usdoj.gov>; Enlow, Courtney D. (CIV) <Courtney.D.Enlow@usdoj.gov>; Heather Hacker <heather@hackerstephens.com>

Cc: David Hacker <dhacker@firstliberty.org>; Mike Berry <mberry@firstliberty.org>; Justin Butterfield <jbutterfield@firstliberty.org>; Holly Randall <hrrandall@firstliberty.org>; Carmichael, Andrew E. (CIV) <Andrew.E.Carmichael@usdoj.gov>; Avallone, Zachary A. (CIV) <Zachary.A.Avallone@usdoj.gov>; Robinson, Stuart J. (CIV) <Stuart.J.Robinson@usdoj.gov>; Holland, Liam C. (CIV) <Liam.C.Holland@usdoj.gov>

Subject: [EXTERNAL] RE: Navy SEALs 1-26 v Biden, 4:21-cv-01235

Amy,

We are planning to file an amended complaint which is likely to change the scope of discovery. Once we get the amended complaint on file we'll get you a draft 26(f) report.

Andrew

Exhibit 4

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1-3, on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26**; **U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5**; and **U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

DECLARATION OF NAVY SEAL 21

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. I have served as a Navy SEAL since 2011.
3. I am assigned to SEAL Team 5 along with Navy SEAL 25. I object to receiving a COVID-19 vaccination based on my sincerely held religious beliefs. I submitted a request for Religious Accommodation to the Navy in October 2021. It is still pending.
4. I have since been kicked out of my platoon. Navy SEAL 25 and I were forced to turn in our gear (helmets, armor plates, etc.) that we need for training with our Team. We have

been unable to participate in training with our Team and have been standing watch at a desk instead when we report for work. The command told us that we need to focus on getting out of the Navy, not training.

5. Even after this Court issued the preliminary injunction, Navy SEAL 25 and I have not been given our gear back, nor have we been permitted to train with our Team. If we cannot train with our Team, we cannot be deployed with our Team. Instead, we have been grouped together with another SEAL who submitted a Religious Accommodation request (RA) and was kicked out of his platoon.

6. I was scheduled to take the Chiefs examination in January 2022.

7. On January 10, 2022, I was informed by my command that I was ineligible to take the Chief exam due to NAVADMIN 225/21 paragraph 7.D, because I am “refusing the vaccine.” A true and correct copy of the email I received is attached to this Declaration as Exhibit A.

8. My RA is still pending, so I am not a “refuser.”

9. On January 17, I received an email from my command stating that Group changed their minds and would allow me to take the Chief exam “in case things get over turned.” The email also reminded me to upload my current evaluation from my Team commander, which is required as part of the promotion process. A true and correct copy of the email I received is attached to this Declaration as Exhibit B.

10. I took leave on January 18. When I returned on January 24, I learned that Navy SEAL 25 and the other SEAL with an RA had been ordered to pull weeds around the command and stand overnight watches on weapons for our old platoon. These are not typical duties and I’ve never heard of anyone outside a platoon to be assigned to watching the platoon’s weapons.

11. On January 24, 2022, I took the Chiefs examination. On my paperwork, however, it stated explicitly that I was unable to promote pursuant to NAVADMIN 225/21 due to being unvaccinated.

12. According to the typical promotion process, my Chief would show me my evaluation long before the advancement test and go over it with me. I never received it. I've since learned that my Team did my evaluation for last year but I have not been allowed to see it.

13. On January 25, SEAL 25, the other SEAL with an RA, and I were told by our Chief that our job was to walk around the base and pick up trash and clean up. Afterward, we have to report back to the Chief and tell him what we picked up or cleaned up.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on January 28, 2022.

/s/ Navy SEAL 21
NAVY SEAL 21

Exhibit A

From: Clark, Eilene A PO1 USN USSOCOM SOCOM (USA) <eilene.a.clark.mil@socom.mil>
Sent: Monday, January 10, 2022 11:44 AM
To: SEAL 21 PO1 USN USSOCOM NSW (USA) <[REDACTED]@socom.mil>
Subject: RE: Chief exam

Hey [REDACTED],

In NAVADMIN 225/21 paragraph 7. D. states members refusing the vaccine are ineligible to take the advancement exam. Im in my office if you want to talk in person or I can call you and answer any questions.

v/r

NC1(EXW/SCW/SW/AW) Clark, Eilene

SEAL Team FIVE

Command Career Counselor

NIPR: eilene.a.clark.mil@socom.mil

SIPR: eilene.a.clark.mil@socom.smil.mil

Green: 619-537-3151 San Diego

Cell: [REDACTED] (whats app, Signal)

From: SEAL 21 PO1 USN USSOCOM NSW (USA) <[REDACTED]@socom.mil>
Sent: Monday, January 10, 2022 11:08 AM
To: Clark, Eilene A PO1 USN USSOCOM SOCOM (USA) <eilene.a.clark.mil@socom.mil>
Subject: Chief exam

PO1,

I just talked to Harvey about the Chief exam. He said he talked to you and I am unable to take the Chief's exam. Is this true? What would be the reason that I cannot take it?

V/R

SO1 SEAL 21

SEAL Team 5

Exhibit B

From: Clark, Eilene A PO1 USN USSOCOM SOCOM (USA) <eilene.a.clark.mil@socom.mil>

Sent: Friday, January 14, 2022 2:45 AM

To: McAfee, Timothy J PO1 USN USSOCOM NSW (USA) <timothy.mcafee@socom.mil>; SEAL 21

PO1 USN USSOCOM NSW (USA) <[REDACTED]@socom.mil>

Cc: Ayers, Jameson T CPO USN USSOCOM NSW (USA) <jameson.t.ayers.mil@socom.mil>

Subject: E7 Exam

Greetings,

I spoke with Group, they decided its better for you to take the exam in case things get over turned. Its doesn't hurt you to take it, doesn't hurt the command. If you have questions please let PSC Ayers know, he will be administering the exam. Please go into your EAW on NSIPS, upload your current 2021 eval, if my note at the bottom needs more evals please add as indicated. Check the box to certify the EAW and route back to me ASAP. Thanks in advance.

v/r

NC1(EXW/SCW/SW/AW) Clark, Eilene

SEAL Team FIVE

Command Career Counselor

NIPR: eilene.a.clark.mil@socom.mil

SIPR: eilene.a.clark.mil@socom.smil.mil

Green: [REDACTED] San Diego

Cell: [REDACTED] (whats app, Signal)

Exhibit 5

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1-3, on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26**; **U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5**; and **U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

DECLARATION OF NAVY SEAL 13

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. I have served as a Navy SEAL since 2011.
3. I submitted declarations in support of the preliminary injunction in this case on November 24 and December 16, 2021, which discuss the fact that I was removed from a four-month course (despite completing over half) for submitting a Religious Accommodation (RA) request.

4. The course was for a critical qualification for being at my current command and for being in the position of Lead Petty Officer (LPO), which I was at the time.

5. I was subsequently removed from my leadership position and replaced with another E6 who doesn't have the course qualification I would have had if I had not been removed from the course.

6. I have not been offered a chance to complete the course or resume my leadership duties.

7. I have seventeen years of service, and only have three left until retirement.

8. As a result of being removed from my milestone leadership position, I will not be eligible for promotion to E7, despite the fact that I took my Chief examination on January 26, 2022.

9. If I cannot promote to the next pay grade (as I would have had I been able to complete the course and remain in my LPO position), I will be forced to retire at a lower pay grade, which affects my pension.

10. I think my command expects me to be kicked out of the Navy soon. I am not being allowed to deploy or even to train. Most of the time, I do not even have to come into work because there is nothing for me to do.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on January 29, 2022.

/s/ Navy SEAL 13
NAVY SEAL 13

Exhibit 6

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1-3, on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26; U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5; and U.S. NAVY DIVERS 1-3**,

Plaintiffs,

Case No. 4:21-cv-01236-O

v.

LLOYD J. AUSTIN, III, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE; CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

DECLARATION OF NAVY SEAL 14

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. I have served as a Navy SEAL since 2014. I have deployed three times in support of combat operations and I have received several awards for my service.
3. I was scheduled to leave for Officer Candidate School (OCS) on January 2, 2022.
4. My OCS orders were cancelled because I am unvaccinated and have a pending Religious Accommodation request. I was told that it was up to the SEAL Officer Community Manager as to whether I would get to go in the future.

5. OCS is held approximately every three weeks throughout the year.
6. I have not been given OCS orders since the preliminary injunction was issued.
7. In the meantime, I have been teleworking with the permission of my command.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on January 30, 2022.

/s/ Navy SEAL 14
NAVY SEAL 14

Exhibit 7

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1-3, on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26**; **U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5**; and **U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

DECLARATION OF NAVY SEAL 22

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. I have served as a Navy SEAL since 2009.
3. I submitted a declaration in support of the preliminary injunction in this case on November 24, 2021, which discusses the fact that before filing my Religious Accommodation request in October 2021, I was supposed to transfer from a training detachment to a SEAL Team for a milestone position as a platoon chief. Because of my pending Religious Accommodation

(RA) request, I had not been able to formally transfer to the Team. I stated that I feared that I would lose my milestone position as a platoon chief because of this.

4. My fear has since come to pass. I have been removed from my milestone position as platoon chief. And since the preliminary injunction was entered, I have not been restored to that position nor permitted to transfer commands.

5. Being removed from my milestone position will have drastic consequences for my career and Leading Chief Petty Officer evaluations. I cannot advance without completing that milestone position.

6. On January 28, 2022, I was told by my command that I will not be permitted to attend a training course along with the other members of my training cell.

7. On January 31, I received an email confirming that I was denied permission to attend the training because I am unvaccinated, even though I have a pending RA request. A true and correct copy of the email I received is attached to this declaration as Exhibit A.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on January 31, 2022.

/s/Navy SEAL 22
NAVY SEAL 22

Exhibit A

From: Saltzman, Sheldon J SCPO USN USSOCOM NSW (USA) <sheldon.saltzman@socom.mil>
Sent: Monday, January 31, 2022 10:14 AM
To: SEAL 22 CPO USN USSOCOM NSW () @socom.mil>
Subject: RE: Flight-1 COI

[REDACTED],

This is what I received from Quinn.. Sorry bro.

Below is the direct quote from LT Leatham the NSWG1 JAG.

Pursuant to SOCOM FRAGO 34, attached, SOC may NOT conduct official travel without SOCOM approval.

24.C.1. (U) INDIVIDUALS NOT FULLY VACCINATED, OR WHO DECLINE TO PROVIDE INFORMATION ABOUT THEIR VACCINATION STATUS, ARE LIMITED TO MISSION-CRITICAL OFFICIAL TRAVEL, BOTH DOM ESTIC AND INTERNATIONAL. 24.C.2. MISSION-CRITICAL IS DEFINED AS TRAVEL NECESSARY TO EXECUTE ACTIVITIES TO SUPPORT SOCOM MISSION ACCOMPLISHMENT AND CANNOT BE CONDUCTED BY ANYONE OTHER THAN THE IDENTIFIED TRAVELER. 24.C.3. (U) CDRUSSOCOM IS THE APPROVAL AUTHORITY FOR ANY MISSION-CRITICAL TRAVEL BY INDIVIDUALS WHO ARE NOT FULLY VACCINATED OR WHO DECLINE TO PROVIDE INFORMATION ABOUTTHEIR VACCINATION STATUS. THIS AUTHORITY IS DELEGATED TO THE DCDR AND THE VCDR.

Very Respectfully,

SOCS Sheldon "Salty" Saltzman
NSWG-1 TRADET / Maritime & Mobility SEA
Office: 619-537-3775
Cell: [REDACTED]

From: SEAL 22 CPO USN USSOCOM NSW (USA) [REDACTED]@socom.mil>
Sent: Monday, January 31, 2022 10:05 AM
To: Saltzman, Sheldon J SCPO USN USSOCOM NSW (USA) <sheldon.saltzman@socom.mil>
Subject: RE: Flight-1 COI

Salty,

Can you forward the email with the details of why I cannot attend the Flight-1 COI?

Thanks.

Very Respectfully,

SOC

@socom.mil

@socom.smil.mil

Cell:

From: SEAL 22 CPO USN USSOCOM NSW (USA)

Sent: Friday, January 28, 2022 10:54 AM

To: Mangini, Kevin J SCPO USN USSOCOM NSW (USA) <kevin.mangini@socom.mil>

Cc: Saltzman, Sheldon J SCPO USN USSOCOM NSW (USA) <sheldon.saltzman@socom.mil>

Subject: Flight-1 COI

MC,

There is an open spot for the flight-1 COI in Florida that I would like to attend to stay current on my MFF qualifications. AOT-E qualifications are not easy or cheap to get and to stay current I need to attend the COI. I'm also hearing that jumping might be very limited this year and to take advantage of this opportunity while its here.

Who: SOC

What: Flight One canopy COI

Where: Deland, Florida

When: 14 – 20 Feb, 2022.

Why: Sustainment and currency. There is an open slot for the course and I have been invited to attend.

I do not believe I am under any restrictions to travel but have been advised to notify you and get your blessing.

This is not on a military base and is run by civilians.

Very Respectfully,

SOC

SEAL 22

@socom.mil

@socom.smil.mil

Cell: